STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2780. A bill to amend the Small Business Act to establish a small business intermediary lending pilot program; to the Committee on Small Business and Entrepreneurship.

Mr. LEVIN. Mr. President, today I introduce the Small Business Intermediary Lending Pilot Program Act of 2009.

As a member of the Small Business and Entrepreneurship Committee I have been concerned about access to affordable financing for small businesses.

The need to help small businesses find flexible credit sources has become more urgent than ever during this economic and credit crisis. The problem is serious. I have heard from numerous small businesses from across Michigan facing serious financial difficulties. Too many creditworthy businesses are having trouble procuring a loan, getting their loans renewed, or are facing higher rates or are having their lines of credit withdrawn altogether. This is happening even when the business never missed a payment.

The difficulty of finding bank financing is both a symptom and a cause of our economic troubles. The crisis that nearly toppled our economy in late 2008 and early 2009 was largely the result of a shutdown in lending by banks worried that they would be overwhelmed by bad loans. And as the lack of available credit rippled through the economy, it hit more businesses, cost them more customers, forced them to lay off more workers, and slowed economic activity even more, making banks all the more reluctant to lend and setting off a downward spiral.

The search for solutions to these problems has been intense, and we have taken some steps in Congress to alleviate them, including acting to reduce Small Business Administration lending fees, increasing the dollar amount of those loans the government would guarantee, and offering short-term loans to businesses facing immediate financial hardship. But it hasn't been enough.

In May, I told members of the Senate Small Business and Entrepreneurship Committee, on which I serve, of just one Michigan example of the problem: A small manufacturer based in the Thumb. The company's longtime bank lender told the company it could not renew the firm's 5-year loan, instead offering 90-day renewals at a much higher interest rate. The company, with 77 workers and 150 customers, sought a loan elsewhere, but other banks—28 of them—rejected its application. The company has an excellent payment history. That story can be repeated 100 times throughout the state.

With the steep decline in the availability of credit from conventional financial institutions, demand is increasing for community-based financial institutions, including Community Development Corporations, Microlenders, Community Development Financial Institutions and other nonprofit lenders to fill the gap created by the reluctance of private financial institutions to provide capital to businesses. As demand on these non-profit institutions to fill the gap has increased, these institutions' sources of capital are also drying up.

To address this problem, I am introducing legislation to help get financing to those small businesses that are not being served by the conventional loan programs currently available through the Small Business Administration.

The Small Business Intermediary Lending Program that I am introducing today is a three-year pilot program which authorizes the SBA in each of the three years to make 20-year loans, on a competitive basis, to up to 20 non-profit lending intermediaries around the country, with a maximum amount of $3 million per loan. Under this proposal, intermediaries would use these SBA loans to capitalize revolving loan funds through which loans of up to $200,000 would be made to small businesses in need of flexible debt financing. In addition, these intermediaries would assist borrowers in leveraging the SBA funds to obtain additional capital from other sources. The intermediaries would also work closely with the small business to provide technical assistance during the life of the loan.

The program would be structured along the lines of the SBA's Microloan program and USDA's Intermediary Relending Program, both of which have demonstrated the success of using intermediary lenders to improve the flow of credit to small businesses that are unable to satisfy the underwriting requirements of a congenital bank.

The program is designed to fill the lending gap that exists between SBA's Microloan program that lends up to $35,000 and its 7(a) loan program that makes larger traditional loans to small businesses through participating banks. Many start-up and expanding small businesses may have graduated from the Microloan Program and need larger loans but cannot get 7(a) loans because they lack adequate collateral necessary for traditional loans. These small businesses may also still need technical assistance to help them succeed that would be provided by the intermediary lender under this bill.

Even before the severe economic downturn and resulting credit crunch, 7(a) lenders were not making the sorts of midsize loans the Intermediary Lending Program seeks to make. In fact, several years ago a representative for the National Association of Government Guaranteed Lenders, the 7(a) lenders' trade association, told a Small Business and Entrepreneurial Committee roundtable that 7(a) lenders are not making these midsized loans because they are not cost effective, and that the Intermediary Lending Program would fill an important niche not being filled by any existing SBA program.

We have been taking some important steps to encourage banks to lend to businesses, with varying degrees of success. Clearly more needs to be done to get credit into the hands of the small businesses that are going to create the jobs necessary to lead us out of this economic downturn. The Intermediary Lending Program I am introducing today proposes a way to get financing into the hands of those viable businesses that conventional banks are currently not lending to so that they can hire employees and grow their businesses. I urge its swift enactment.

By Ms. MIKULSKI (for herself, Mr. ENZI, Mr. HARKIN, Mr. BROWN, Mr. CARDIN, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. GREGG, Mr. THUNE, and Mr. DODD):

S. 2781. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, today I rise to introduce legislation that I am calling ''Rosa's Law.'' It began by listening to the people in my own State. It began when a mother told me a compelling story about her own daughter, her family's efforts to give her daughter an opportunity for an education and to be treated with respect and with dignity. And, at the same time, it began with the advocacy of not only she and her husband but of her entire family, including her 14 year old son, Nick, who testified at the Maryland General Assembly.

As a result of their effort, I am introducing Rosa's Law. But I want to tell you about the family. I want to tell you about the Marcellinos—two determined parents with four children: Nick, age 14; Madeleine, age 12; Gigi, age 10; and Rosa, age 8. I wish you could have been with me in my office as I met with them, as I met with the parents and talked with the family.

Last year, at a roundtable on special education, I met Nina Marcellino. She told me about her daughter Rosa and the fact that Rosa had been labeled at her school some years ago as ''mentally retarded'' and told me of the stigma, the pain, the anguish it caused both Nina and her husband, Rosa's brother and sisters as well as Rosa herself.

The mother and father reached out to the advocacy organization, the Arc, to see what could be done to change the law. They then reached out to a member of the Maryland General Assembly in our own Maryland Legislature—a wonderful representative named Ted Sophocleus.

Mr. Sophocleus introduced legislation in the Maryland General Assembly that would change the words ''mentally retarded'' and substitute that with the phrase ''an individual with an intellectual disability.''

That is why I stand on the Senate floor today to introduce, at the request of this family, legislation on behalf of this little girl and on behalf of all of the children of the United States of America who are labeled, stigmatized, and bear a burden the rest of their lives because of the language we use in the law books.

My law simply changes the phrase ''mentally retarded'' to an ''individual with an intellectual disability.'' We do it in health, education, and labor policy without in any way negatively impinging upon either the educational or other benefits to which these children are entitled.

When it came time to bring the bill before the General Assembly, the family was there. And who spoke up for Rosa? Well, her mom and dad had been speaking up for her. Her brother Nick and her sisters Madeleine and Gigi had been speaking up for her. This wonderful boy, Nick, at the time 13 testified before the general assembly and said:

What you call people is how you treat them.

''What you call people is how you treat them.'' What you call my sister is how you will treat her. If you believe she is ''retarded,'' it invites taunts, it invites stigmas, it invites bullying, and it also invites the slammed doors of not being treated with respect and dignity.

Nick's words were far more eloquent that day than mine are today. I want to salute Nick for standing up for his sister. But I think we need to stand up for all because in changing the language we believe it will be the start of new attitudes toward people with intellectual disabilities. Hopefully, people will associate these new words with the very able and valuable people that go to school, work, play soccer, or live next door.

Eunice Shriver believed in this when she created the Special Olympics. She knew special needs children need special attention, but they can do very special things and look what she started.

This bill has gotten unanimous support in the Maryland legislative body. It passed in Annapolis. A few weeks before this bill swept through the General Assembly, I had the opportunity to talk to Rosa's mom, Nina. I promised her then that if that bill passed the Maryland Legislature, I would bring it to the floor of the Senate. Well, it passed unanimously, Governor O'Malley has signed it, and today I stand before you introducing the legislation.

It makes nominal changes to policy. It gets into Federal education, health, and labor law. It simply substitutes ''intellectual disability'' for ''mental retardation,'' ''individual with an intellectual disability'' for ''mentally retarded.''

This bill, as I can assure all who might be concerned, will not expand nor diminish services, rights, or educational opportunities. We vetted it with legal counsel. We reached out to the very wonderful advocacy groups in this field, and they concur that this legislation would be acceptable.

The Senate has changed terminology for this population before. In the 1960s, Congress passed legislation where we took—I am almost embarrassed to say our law once referred to boys and girls as ''feeble-minded.'' We thought we were being advanced when we changed it to ''mentally retarded.'' Now, 40 years later, let's take another big step and change it to ''intellectual disability.''

This bill makes language used in the Federal Government consistent. The President's Committee on Mental Retardation was changed by Executive order so it is now the Committee on Individuals with Intellectual Disabilities. The CDC uses ''intellectual disability.'' The World Health Organization uses ''intellectual disability.''

I have always said the best ideas come from the people. ''Rosa's Law'' is a perfect example of effective citizen advocacy—a family that pulled together for their own, and in pulling together they are pulling us all along to a new way of thinking.

I want to recognize the Marcellino family who is here with us in the gallery, and the namesake of the law, Rosa, whose picture is behind me, and she is also up there in the gallery today.

It was indeed an honor to represent this family. I believe in our country people have a right to be heard, and we listen. They have a right to be represented, which I have tried to do. Now let's try to change the law.

I also want to take this opportunity to thank my colleagues. It is a pleasure to work with Senators HARKIN and ENZI, the chair and ranking member of the HELP Committee. I have their wholehearted support in working together.

This is going to be a bipartisan bill. It is going to be a nonpartisan bill. We are going to check our party hats at the door and move ahead and tip our hats to these boys and girls. This bill is driven by passion for social justice and compassion for the human condition. We have done a lot to come out of the dark ages of institutionalization and exclusion when it comes to people with intellectual disabilities.

I urge my colleagues to join me in going a step further. Cosponsor the legislation I offer on a bipartisan basis. Help me pass the law and know that each and every one of us can make a difference. When we work together, we can make change. I look forward to working with my colleagues in moving this bill forward in our legislative process.

Mr. ENZI. Mr. President, I am pleased to have this opportunity to join my colleague from Maryland, Senator MIKULSKI, in introducing Rosa's law. I would like to thank her for her leadership and her commitment on this issue. Simply put, this legislation will make an important change in the words we use to refer to those with intellectual disabilities. It is a much needed change in the law that is fully deserving of our support.

For far too long we have used words like ''mental retardation'' in our Federal statutes to refer to those with intellectual disabilities. This has been unfortunate because when we use such a term we send a message throughout our society that someone ''is'' their disability, instead of someone like us who is facing a challenge in their life. Such a term creates the unwanted impression that growth is impossible and their disability will lock them into a certain lifestyle forever.

As an example, imagine a friend with cancer. When you refer to him or her you would probably say they have cancer, or are going through cancer treatment. You wouldn't say they ''are'' cancer like this term says that someone ''is'' their disability. It's a distinction that makes a big difference for anyone facing such a difficult period of their lives.

This is not a unique situation. Historically, this and other unfortunate terms have been used to refer to people with disabilities of all kinds for many years.

Prior to the 1960's, people who were viewed as having intellectual limitations were shunned from society and placed in institutions. The American dream of self-determination, independent living, and the pursuit of freedom and happiness was thought to be impossible for them to achieve. We let the limitations we helped to create with our words and our attitudes slowly take away their hopes and dreams for a better life and a brighter future.

We know now that words have meaning, sometimes far beyond what we intend. Therefore, we must be very careful about the way we describe the people we see every day, including those with disabilities, or those who are undergoing treatment for a variety of health issues. Unfortunately, the Federal Government has not dropped this term from our laws and it still appears in the regulations and statutes that come before our legislative bodies and our courts.

With this legislation we are taking a giant step forward, as we acknowledge that times have changed and we live in a much different world. Clearly this term was not developed from malice. It came from a lack of understanding of what it was like to be labeled with such a term and then left virtually alone in the effort to overcome it.

Over the years, Congress has made it known that community living, educational opportunities that lead to success in the workplace, and equal opportunity without discrimination will be available to people who are living with intellectual limitations under appropriate Federal statutes.

That was a good start. Unfortunately, several key Federal disability statutes, including the Individuals

with Disabilities Education Act, the Rehabilitation Act, the Developmental Disabilities Act, and the Genetic Information Nondiscrimination Act, still use the outmoded term. It is time for Congress to be proactive and join the States of New Hampshire, Maryland, and my home State of Wyoming by ending the use of this pejorative term and replacing it with a more carefully chosen word.

To paraphrase a quote I have heard about cancer, a disability is a word, not a sentence. We have put that philosophy into practice over the years for other disabilities. It is time we adapted it to provide support to those living with intellectual disabilities as well.

Some will ask if we are being overly sensitive, or if we are just trying to make a change to be politically correct. The answer to that question is clearly ''no.''

It is no secret. When we put a ''label'' like that on someone we often find ourselves dealing with the label as if it is not a description of the challenges someone faces in their lives but a reflection of who that person really is. That puts them in a group with a label for a name and tells them that they are not worthy of being treated as an individual, with individual needs and interests.

I have heard from people with intellectual disabilities over the years. They have asked us to put an end to the use of that outdated term. Self-advocacy groups such as Self-Advocates Becoming Empowered and local People First Organizations as well as organizations such as the Arc of the United States, Special Olympics International, and others have already stopped using this archaic terminology and dropped the term from their agency names. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term ''Intellectual Disability'' in the next publication of their manual.

I have always believed that the law is a great teacher. That is why we need to join in this effort and express our support for the efforts of those with disabilities of all kinds to live to their full potential. We can do that by eliminating the use of negative archaic terms to refer to those with intellectual limitations. Such an action on our part starts with this bill that uses the term intellectual disability in laws that are in the jurisdiction of the Senate Committee on Health, Education, Labor and Pensions. This bill makes our intent clear throughout our Nation that this term will never again be used in Congress or in any Federal office.

When I came to the Senate 13 years ago, my staff and I met almost immediately to work on our mission statement. When it was completed, one of the most important clauses we had written was our commitment that we would treat others not as we would wish to be treated, but as they would wish to be treated. There is a difference.

Today, with the passage of this important legislation, we are reaching out to those with intellectual disabilities to assure them that their government will treat them as they would wish to be treated. By so doing, we will also be directing our staffs and the staffs of federal offices throughout the U.S. that the best way for them to refer to those with disabilities or to anyone who comes into their office is by the term they have carried with them throughout their lives—their name.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 2786. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to join with Senator HATCH to introduce a bill that will take steps to enhance the retirement benefits granted to Assistant U.S. Attorneys who serve all Americans in a critical law enforcement role. Representative DELAHUNT is introducing companion legislation in the House. I would like to acknowledge the significant efforts made by the National Association of Assistant United States Attorneys in developing this legislation.

There are approximately 5,500 Assistant U.S. Attorneys in 93 offices throughout the U.S. all of whom are serving on the front lines to uphold the rule of law. Having served as a prosecutor for many years in Vermont, I know well the integral role prosecutors play in the administration of justice and keeping our communities safe. Federal prosecutors are a crucial component of our justice system, and this legislation recognizes the important contributions these men and women make in the enforcement of our Federal laws.

Probation officers, deputy marshals, corrections officers, and even corrections employees not serving in a law enforcement role receive benefits greater than those received by Assistant U.S. Attorneys. This is a disparity that should be remedied. By making the appropriate adjustments provided in this legislation, Congress would also help the Federal justice system retain experienced prosecutors. Of all the prosecutors who leave the government for the private sector, 60 to 70 percent do so with experience of between 6 and 15 years. With the Department of Justice's rapidly expanding role in combating terrorism, financial fraud, and other pressing national law enforcement challenges, we cannot afford to lose the experienced men and women who serve in this vital position. And by enhancing the retirement benefits for these prosecutors, we make service as an Assistant U.S Attorney a more attractive path for talented young lawyers who are considering public service.

This legislation also makes substantial efforts to defray the cost to the Federal Government of providing enhanced retirement benefits to Assistant U.S. Attorneys and to make our justice system operate more efficiently. The bill includes important provisions that would assist the Department of Justice in recovering money owed to the Federal Government as a result of judgments and other fines. By bolstering the Department's ability to collect the funds it is rightfully owed, resources would be made more available to provide the parity in retirement benefits sought by Assistant U.S. Attorneys. The result of this innovative effort to fund these benefits in an alternative manner is that the Department of Justice will, through its duties as the Nation's law enforcement agency, be able to provide the benefits its employees deserve at little or no cost to the taxpayer.

With the introduction of this legislation, we signal that prosecutors in our society fulfill a critical and valuable role. By enacting it, Congress can send the message that the service of these prosecutors is an indispensable component of our Federal justice system. I hope all Senators will join us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—ENHANCED FINANCIAL RECOVERY

SEC. 101. UNPAID FINES AND RESTITUTION.

(a) IN GENERAL.—Section 3612 of title 18, United States Code, is amended—

(1) by striking subsections (d), (e), (g), (h), and (i); and

(2) by inserting after subsection (c) the following:

''(d) IMPOSITION OF LATE FEE.—

''(1) IN GENERAL.—A late fee shall be imposed upon a defendant if fines or restitution obligations of the defendant totaling not less than $2,500 unpaid as of the date specified in subsection (f)(1). The late fee imposed under this paragraph shall be 5 percent of the unpaid principal balance for an individual and 10 percent for any other person.

''(2) ALLOCATION OF PAYMENTS.—

''(A) FINE.—Subject to subparagraph (C), if a late fee is imposed under paragraph (1) for a fine—

''(i) an amount equal to 95 percent of each payment made by a defendant shall be credited to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or as otherwise provided in that section; and

''(ii) an amount equal to 5 percent of each payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009.

''(B) RESTITUTION.—Subject to subparagraph (C), if a late fee is imposed under paragraph (1) for a restitution obligation—

''(i) an amount equal to 95 percent of each payment shall be paid to any victim identified by the court; and

''(ii) an amount equal to 5 percent of each payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009.

''(C) ORDER OF PAYMENTS.—Payments for fines or restitution shall be applied first to the principal and, if any, the late fee under paragraph (1). If the amount due on either the principal or the late fee has been paid in full and the other amount due remains unpaid, all payments for fines or restitution shall then be applied to the other unpaid obligation. If the principal and the late fee have been paid in full, all payments for fines or restitution shall then be applied to interest.

''(3) DEFINITIONS.—In this subsection—

''(A) the term 'fines or restitution obligations' does not include any amount that is imposed as interest, costs, or a late fee;

''(B) the term 'principal' does not include any amount that is imposed as interest, penalty, or a late fee; and

''(C) the term 'restitution' includes any unpaid balance due to a person identified in any judgment, or order of restitution, entered in any criminal case.

''(e) WAIVER OF INTEREST, PENALTY, OR LATE FEES.—

''(1) IN GENERAL.—The Attorney General may waive all or part of any interest or late fee under this section or any interest or penalty imposed under any other provision of law if the Attorney General determines that reasonable efforts to collect the interest, late fee, or penalty are not likely to be effective.

''(2) WAIVER BY COURT.—The court may waive the uncollected portion of a late fee, upon the motion of the defendant, and a showing, by a preponderance of the evidence, that—

''(A) the defendant has made a good faith effort to satisfy all unpaid fines or restitution obligations;

''(B) despite the good faith efforts of the defendant, the defendant is not likely to satisfy the obligations within the time provided for under section 3613 of this title; and

''(C) the continued collection of a late fee would constitute an undue burden upon the defendant.''.

(b) REPEAL OF DELINQUENCY AND DEFAULT PROVISIONS.—Section 3572 of title 18, United States Code, is amended by striking subsections (h) and (i).

SEC. 102. REMISSION OF CRIMINAL MONETARY PENALTIES.

Section 3573 of title 18, United States Code, is amended to read as follows:

''§ 3573. Petition of the Government for modification or remission

''(a) IN GENERAL.—Upon petition of the Government showing that reasonable efforts to collect a fine, restitution obligation, or special assessment are not likely to be effective, the court may, in the interest of justice, remit all or any part of the fine, restitution obligation, or special assessment, including interest, penalty, and late fees.

''(b) VICTIMS OTHER THAN THE UNITED STATES.—In the case of a restitution obligation owed to a victim other than the United States, the express and clearly voluntary consent of the victim is required before the court may grant such petition. No defendant shall initiate contact with a victim for the purpose of securing consent to a possible remission except through counsel, the United States attorney, or in such a manner as first approved by the court as safe and noncoercive.''.

SEC. 103. PRIORITIZATION OF RESTITUTION EFFORTS.

Section 3771 of title 18, United States Code, is amended by adding the following subsection:

''(g) GUIDELINES.—

''(1) IN GENERAL.—The Attorney General shall promulgate guidelines to ensure the effective and efficient enforcement of all criminal and civil obligations which are owed to the United States and enforced by the Department of Justice.

''(2) CONTENTS.—The guidelines promulgated under paragraph (1) shall require consideration, in making decisions relating to enforcement of criminal and civil obligations which are owed to the United States, of the amount due, the amount collectible, and whether the amount is due to individuals who are not likely to be able to enforce the obligation without assistance from the Department of Justice.''.

SEC. 104. IMPOSITION OF CIVIL LATE FEE.

(a) IN GENERAL.—Section 3011 of title 28, United States Code, is amended to read as follows:

''§ 3011. Imposition of late fee

''(a) IN GENERAL.—A late fee shall be imposed on a defendant if there is an unpaid balance due to the United States on any money judgment in a civil matter recovered in a district court as of—

''(1) the fifteenth day after the date of the judgment; or

''(2) if the day described in paragraph (1) is a Saturday, Sunday, or legal public holiday, the next day that is not a Saturday, Sunday, or legal holiday.

''(b) AMOUNT OF LATE FEE.—A late fee imposed under subsection (a) shall be 5 percent of the unpaid principal balance for an individual and 10 percent for any other person.

''(c) ALLOCATION OF PAYMENTS.—Subject to subsection (d), if a late fee is imposed under subsection (a)—

''(1) an amount equal to 95 percent of each principal payment made by a defendant shall be credited as otherwise provided by law; and

''(2) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 106 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

''(d) ORDER OF PAYMENTS.—Payments for a money judgment in a civil matter shall be applied first to the principal and, if any, the late fee under subsection (a). If the amount due on either the principal or the late fee has been paid in full and the other amount due remains unpaid, all payments for a money judgment in a civil matter shall be applied to the other unpaid obligation. If the principal and the late fee have been paid in full, all payments for a money judgment in a civil matter shall then be applied to interest.

''(e) DEFINITIONS.—In this section—

''(1) the term 'principal' does not include any amount that is imposed as interest, penalty, or a late fee; and

''(2) the term 'unpaid balance due to the United States'—

''(A) includes any unpaid balance due to a person that was represented by the Department of Justice in the civil matter in which the money judgment was entered; and

''(B) does not include interest, costs, penalties, or late fees.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 176 of title 28, United States Code, is amended by striking the item relating to section 3011 and inserting the following:

''3011. Imposition of late fee.''.

SEC. 105. INCREASE IN THE AMOUNT OF SPECIAL ASSESSMENTS.

Section 3013 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) The court shall assess on any person convicted of an offense against the United States—

''(1) in the case of an infraction or a misdemeanor—

''(A) if the defendant is an individual—

''(i) the amount of $10 in the case of an infraction or a class C misdemeanor;

''(ii) the amount of $25 in the case of a class B misdemeanor; and

''(iii) the amount of $100 in the case of a class A misdemeanor; and

''(B) if the defendant is a person other than an individual—

''(i) the amount of $100 in the case of an infraction or a class C misdemeanor;

''(ii) the amount of $200 in the case of a class B misdemeanor; and

''(iii) the amount of $500 in the case of a class A misdemeanor; and

''(2) in the case of a felony—

''(A) the amount of $100 if the defendant is an individual; and

''(B) the amount of $1,000 if the defendant is not an individual.''.

SEC. 106. ENHANCED FINANCIAL RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate account known as the Department of Justice Enhanced Financial Recovery Fund (in this section referred to as the ''Fund'').

(b) DEPOSITS.—Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of collections, there shall be credited as an offsetting collection to the Fund an amount equal to—

(1) 2 percent of any amount collected pursuant to civil debt collection litigation activities of the Department of Justice (in addition to any amount credited under section

11013 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note));

(2) 5 percent of all amounts collected as restitution due to the United States pursuant to the criminal debt collection litigation activities of the Department of Justice; and

(3) any late fee collected under section 3612 of title 18, United States Code, as amended by this Act, or section 3011 of title 28, United States Code, as amended by this Act.

(c) AVAILABILITY.—The amounts credited to the Fund shall remain available until expended.

(d) PAYMENTS FROM THE FUND TO SUPPORT ENHANCED ENFORCEMENT OF JUDGMENTS.—

(1) USE FOR COLLECTION.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Attorney General shall use not less than $20,000,000 of the Fund in each fiscal year, to the extent that funds are available, for the collection of civil and criminal judgments by the Department of Justice, including restitution judgments where the beneficiaries are the victims of crime.

(B) ALLOCATION.—The funds described in subparagraph (A) shall be used to enhance, supplement, and improve the civil and criminal judgment enforcement efforts of the Department of Justice first, and primarily for such activities by United States attorneys' offices. A portion of the funds described in subparagraph (A) may be used by the Attorney General to provide legal, investigative, accounting, and training support to the United States attorneys' offices in carrying out civil and criminal debt collection activities.

(C) LIMITATION.—The funds described in subparagraph (A) may not be used to determine whether a defendant is guilty of an offense or liable to the United States, except incidentally for the provision of assistance necessary or desirable in a case to ensure the preservation of assets or the imposition of a judgment, which assists in the enforcement of a judgment, or in a proceeding directly related to the failure of a defendant to satisfy the monetary portion of a judgment.

(2) ADJUSTMENT OF AMOUNT.—In each fiscal year following the first fiscal year in which deposits into the Fund are greater than $20,000,000, the amount to be used under paragraph (1)(A) shall be increased by a percentage equal to the change in the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor for the calendar year preceding that fiscal year.

(3) LIMITATION.—In any fiscal year, amounts in the Fund shall be available to the extent that the amount appropriated in that fiscal year for the purposes described in paragraph (1) is not less than an amount equal to the amount appropriated for such activities in fiscal year 2006, adjusted annually in the same proportion as increases reflected in the amount of aggregate level of appropriations for the Executive Office of United States Attorneys and United States Attorneys.

(e) CURRENT AGENCY SHARE CONTRIBUTIONS.—After expending amounts in the Fund as provided under subsection (d), the Attorney General may use amounts remaining in the Fund to offset additional agency share contributions made by the Department of Justice for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act relating to service as an assistant United States attorney on or after the date of enactment of this Act. The availability of amounts from the Fund shall have no effect on the implementation of title II or the amendments made by title II.

(f) RETROACTIVE AGENCY SHARE CONTRIBUTIONS.—After expending amounts in the Fund as provided under subsection (e), the Attorney General may use amounts remaining in the Fund to offset agency share contributions made by the Department of Justice for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act relating to service as an assistant United States attorney before the date of enactment of this Act.

(g) REBATE OF AGENCY OFFSETS.—After expending amounts in the Fund as provided under subsection (f), all amounts remaining in the Fund shall be credited, proportionally, to the Federal agencies on behalf of which debt collection litigation activities were conducted that resulted in deposits under paragraph (1) or (2) of subsection (b) during that fiscal year.

(h) PAYMENTS TO THE GENERAL FUND.—After expending amounts in the Fund as provided under subsection (g), all amounts remaining in the Fund shall be deposited with the General Fund of the United States Treasury.

(i) DEFINITION.—In this section, the term ''United States''—

(1) includes—

(A) the executive departments, the judicial and legislative branches, the military departments, and independent establishments of the United States; and

(B) corporations primarily acting as instrumentalities or agencies of the United States; and

(2) except as provided in paragraph (1), does not include any contractor of the United States.

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, this title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

(b) CRIMINAL CASES.—The amendments made by section 105 and subsection (d) of section 3612 of title 18, United States Code, as added by section 101 of this Act, shall apply to any offense committed on or after the date of enactment of this Act, including any offense which includes conduct that continued on or after the date of enactment of this Act.

(c) CIVIL CASES.—The amendments made by section 104 shall apply to any case pending on or after the date of enactment of this Act.

TITLE II—EQUITABLE RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS

SEC. 201. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (30), by striking ''and'' at the end;

(B) in paragraph (31), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(32) 'assistant United States attorney'—

''(A) means an assistant United States attorney appointed under section 542 of title 28; and

''(B) includes an individual—

''(i) appointed United States attorney under section 541 or 546 of title 28;

''(ii) who has previously served as an assistant United States attorney; and

''(iii) who elects under section 202 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009 to be treated as an assistant United States attorney and solely for the purposes of this title.''.

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

''§ 8352. Assistant United States attorneys

''An assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter, except as follows:

''(1) Section 8335(b)(1) of this title (relating to mandatory separation) shall not apply.

''(2) Section 8336(c)(1) of this title (relating to immediate retirement at age 50 with 20 years of service as a law enforcement officer) shall apply to assistant United States attorneys except the age for immediate retirement eligibility shall be 57 instead of 50.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

''Sec. 8352. Assistant United States attorneys.''.

(B) MANDATORY SEPARATION.—Section 8335(a) of title 5, United States Code, is amended by striking ''8331(29)(A)'' and inserting ''8331(30)(A)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking ''and'' at the end;

(B) in paragraph (36), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(37) 'assistant United States attorney'—

''(A) means an assistant United States attorney appointed under section 542 of title 28; and

''(B) includes an individual—

''(i) appointed United States attorney under section 541 or 546 of title 28;

''(ii) who has previously served as an assistant United States attorney; and

''(iii) who elects under section 202 of the Enhanced Restitution Enforcement and Equitable Retirement Treatment Act of 2009 to be treated as an assistant United States attorney and solely for the purposes of this title.''.

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

''(h) An assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter, except as follows:

''(1) Section 8425(b)(1) of this title (relating to mandatory separation) shall not apply.

''(2) Section 8412(d) of this title (relating to immediate retirement at age 50 with 20 years of service as a law enforcement officer) shall apply to assistant United States attorneys except the age for immediate retirement eligibility shall be 57 instead of 50.''.

(c) MANDATORY SEPARATION.—Sections 8335(b)(1) and 8425(b)(1) of title 5, United States Code, are each amended by adding at the end the following: ''This subsection shall not apply in the case of an assistant United States attorney.''.

SEC. 202. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''assistant United States attorney'' means an assistant United States attorney appointed under section 542 of title 28, United States Code; and

(2) the term ''incumbent'' means an individual who, on the date of enactment of this Act—

(A) is serving as an assistant United States attorney;

(B) is serving as a United States Attorney appointed under section 541 or 546 of title 28, United States Code; or

(C) is employed by the Department of Justice and has served at least 10 years as an assistant United States attorney.

(b) NOTICE REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this title; and

(2) the effects of making or not making a timely election under this title.

(c) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this title; or

(B) as if this title had never been enacted.

(2) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 180 days after the date on which the notice under subsection (b) is provided; or

(B) the date on which the incumbent involved separates from service.

(3) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be deemed—

(A) for an assistant United States attorney, as an election under paragraph (1)(A); and

(B) for any other incumbent, as an election under paragraph (1)(B).

(d) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (c)(1)(A), all service performed by that individual as an assistant United States attorney shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this title; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as if the amendments made by this title had then been in effect.

(2) CREDITABLE SERVICE.—All service performed by an incumbent under an appointment under section 515, 541, 543, or 546 of title 28, United States Code and while concurrently employed by the Department of Justice shall be credited in the same manner as if performed as an assistant United States attorney.

(3) NO OTHER RETROACTIVE EFFECT.—Nothing in this title (including the amendments made by this title) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (c) is made (or is deemed to have been made).

(e) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (c)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by this title had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code.

(3) PRIOR SERVICE DEFINED.—In this subsection, the term ''prior service'' means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (c)(1)(A), all service credited as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary to carry out this title, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

SEC. 203. AGENCY SHARE CONTRIBUTIONS.

(a) IN GENERAL.—The cost for current agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act may be paid from the Enhanced Financial Recovery Fund. If in any fiscal year the Fund does not have a sufficient amount on deposit to satisfy the cost for current agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act, the amount of the insufficiency shall be due the next fiscal year.

(b) RETROACTIVE AGENCY SHARE.—The cost for retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act may be paid from the Enhanced Financial Recovery Fund. Notwithstanding section 8348(f) or section 8423(b) of title 5, United States Code, an amount equal to the amount remaining in the Enhanced Financial Recovery Fund in any fiscal year, after the amounts credited to the Fund have been expended to satisfy the requirements of subsections (d) and (e) of section 106 of this Act, shall be credited toward the cost for retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act until such cost, along with accumulated interest, has been satisfied in full.

(c) USE OF FUNDS.—Funds appropriated for the Department of Justice shall not be used to pay for the additional cost for current or retroactive agency share contributions for personnel benefits incurred as a result of this Act or the amendments made by this Act except as directed by the Attorney General.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect on the date of enactment of this Act.

(b) INCUMBENTS.—In the case of an incumbent who elects (or is deemed to have elected) the option under section 202(c)(1)(A) of this title, the election shall not take effect until 24 months after the date of enactment of this Act, except as follows:

(1) An incumbent with at least 30 years of service as an assistant United States attorney may choose to have the election take effect at any time between 6 and 24 months after the date of enactment of this Act.

(2) An incumbent with at least 25 years of service credited as an assistant United States attorney may choose to have the election take effect at any time between 12 and 24 months after the enactment of this Act;

(3) An incumbent with at least 20 years of service credited as an assistant United States attorney may, with the approval of the Attorney General, choose to have the election take effect at any time between 6 and 24 months after the date of enactment of this Act; and

(4) An incumbent with at least 20 years service credited as an assistant United States attorney and who is currently serving under an appointment under section 541 or 546 of title 28, United States Code, may choose to have the election take effect at any time between the enactment of this Act and 24 months after the date of enactment of this Act.

By Mr. VOINOVICH (for himself, Mrs. GILLIBRAND, and Mr. KAUFMAN):

S. 2789. A bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, since arriving in the Senate in 1999, I have made improving the Federal workforce a priority. In that time, I have served as both chairman and ranking member of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, and have participated in many hearings to examine the personnel needs of the Federal Government. In fact, I recently attended my 52nd hearing examining Federal human capital issues.

As my colleagues surely know, over the next several years the Federal workforce will experience an unprecedented demographic transition. By December 2012, 250,000 Federal employees are expected to retire. To maintain current staff levels amidst the impending wave of Baby Boomer retirements, and to cope with the increasing workload being placed on civil servants by Congress and the administration, more than 600,000 positions will need to be filled over this time period.

This hiring challenge will be particularly significant for those positions designated by Federal agencies as ''mission-critical,'' or necessary for carrying out basic agency responsibilities. In its recently released survey of the coming hiring challenge, Where the Jobs Are, the Partnership for Public Service estimates that 273,000 new public servants—from doctors to intelligence analysts, program managers to police officers—will need to be brought on board to maintain current staffing levels, a 40 percent increase from the previous 3-year period.

Successfully meeting this human capital challenge will require a sustained, multi-pronged effort addressing a host of issues. The Federal hiring process needs streamlining, improvements must continue in the processing of security clearances, and agencies will need to approach future hiring decisions in a strategic fashion rather than a tactical, reactive one.

No matter how effectively the Federal hiring process is planned for and managed, however, an effective workforce cannot be built in the absence of talented individuals willing to pursue careers in public service. The need for well-qualified young people with aspirations to careers in public service is particularly important for mission-

critical occupations, which tend to require highly specialized skill sets that too often are in short supply.

At the same time, the average debt load undergraduate and graduate students must bear to finance their education continues to increase. As a result, many young Americans who would otherwise be eager to join the civil service are prevented from doing so.

In an effort to help established a talent pipeline for such mission-critical positions, today I join with the distinguished Senator from New York, Senator GILLIBRAND, and the distinguished Senator from Delaware, Senator KAUFMAN, to introduce legislation aimed at encouraging and enabling young people with valuable, mission-critical skills to pursue careers in public service.

The Roosevelt Scholars Act of 2009 would establish a foundation named in honor of our 26th President and a principal architect of the modern civil service, Theodore Roosevelt. The Theodore Roosevelt Scholarship Foundation would be charged with awarding scholarships to outstanding undergraduate and graduate students pursuing fields of study identified by Federal agencies as mission-critical. In return for tuition support and a small stipend, selected students—dubbed Roosevelt Scholars—would be required to engage in 3 to 5 years of service with a Federal agency in need of an individual with a Roosevelt Scholar's unique skill set. Scholarships would be provided through the Theodore Roosevelt Memorial Scholarship Trust Fund, whose endowment would eventually provide a self-sustaining funding mechanism for Roosevelt Scholarships.

I am pleased to be joined in offering this legislation by enthusiastic partners. Senator GILLIBRAND is a strong supporter of encouraging Americans to pursue careers in public service, and I am thankful for her diligent work in advancing this legislation. Likewise, Senator KAUFMAN has demonstrated his strong support of our Nation's civil servants by his frequent appearances on the floor of this chamber to recognize the accomplishments of outstanding Federal employees. And on the other side of the Capitol Rotunda, Representatives DAVID PRICE and MICHAEL CASTLE are already hard at work promoting this important legislation.

The higher education community has been quick to see the promise offered by the Roosevelt Scholars Act. More than 100 public and private universities have endorsed this legislation, and the list continues to grow.

I will be the first to tell my colleagues that problems as daunting as those facing the Federal workforce are not solved overnight. I have learned from 18 years as a public executive—first as mayor of Cleveland, then as Governor of Ohio—that progress on such challenges is made incrementally. Opportunities offered by legislation like the Roosevelt Scholars Act are important components in a larger strategy.

I urge my colleagues to join in cosponsoring the Roosevelt Scholars Act, and look forward to working with my colleagues in the House and Senate to provide young people the opportunity to pursue a career in public service as Roosevelt Scholars.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2784. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2784. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. At the discretion of the Attorney General, funds appropriated under the heading ''Byrne Discretionary grants'' under funding for the Department of Justice in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 (Public Law 111-8) to the Louisiana District Attorney's Association for the purpose to support an early intervention program for at-risk elementary students may be available to the University of Louisiana-Lafayette for the same purpose.

SA 2785. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1963, to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; which was ordered to lie on the table; as follows:

On page 177, after line 10, add the following:

SEC. 1003. REQUIREMENT TO TRANSFER FUNDING FOR UNITED NATIONS CONTRIBUTIONS TO OFFSET COSTS OF PROVIDING ASSISTANCE TO FAMILY CAREGIVERS OF DISABLED VETERANS.

The Secretary of State shall transfer to the Secretary of Veterans Affairs, out of amounts appropriated or otherwise made available in a fiscal year for ''Contributions to International Organizations'' and ''Contributions for International Peacekeeping Activities'', such sums as the Secretaries jointly determine are necessary to carry out the provisions of this Act and the amendments made by this Act.

SEC. 1004. MODIFICATION OF ELIGIBILITY FOR FAMILY CAREGIVER ASSISTANCE.

(a) LIMITATION.—Section 1717A(b), as added by section 102 of this Act, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)(C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) who, in the absence of personal care services, would require hospitalization, nursing home care, or other residential care.''.

(b) EXPANSION.—Such section 1717A(b) is further amended, in paragraph (1), by striking ''on or after September 11, 2001''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been rescheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, December 2, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on policy options for reducing greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Gina___Weinstock@energy.senate.gov

For further information, please contact Jonathan Black at (202) 224–6722 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on November 17, 2009, at 10:30 a.m., in room 562 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 17, 2009, at 3 p.m., to conduct a hearing entitled ''Protecting Consumers From Abusive Overdraft Fees: The Fairness and Accountability in Receiving Overdraft Coverage Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2009, at 2:30 p.m., in room